

Notice of Allowability

Application No.

10/033,516

Examiner

Michael P. Ferguson

Applicant(s)

GRAVELLE, JAMES A.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 31 October 2006 interview, 25 August 2006 amendment.

2. ☒ The allowed claim(s) is/are 1,3-8,10-15 and 17-21.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 10/31/06.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Forrest on October 31, 2006.

The application has been amended as follows:

In claim 1, after line 3 inserted --a wire holder adapted to retain a wire fence element; --.

In claim 8, after line 3 inserted --a wire holder adapted to retain a wire fence element; --.

In claim 15, in line 4 after "support bracket including" inserted --a wire holder adapted to retain a wire fence element, --.

In claim 15, in line 17 after "support bracket including" inserted --a wire holder adapted to retain a wire fence element, --.

In claim 15, in line 32 before "in a first position" deleted "first fence post cross-arms" and replaced with --cross-arms of a first fence post--.

In claim 15, in line 36 before "in a second position" deleted "second fence post cross-arms" and replaced with --cross-arms of a second fence post--.

In claim 21, after line 2 inserted --a wire holder adapted to retain a wire fence element; --.

2. The following is an examiner's statement of reasons for allowance:

As to claims 1 and 8, Thompson (US 4,771,137) discloses the claimed support bracket with the exception of comprising first and second tabs extending from respective first and second lateral retainers, each adapted and constructed to facilitate outward movement of the first and second lateral retainers away from each other by force applied by a user to the first and second tabs, thus opening the slots for insertion and removal of the cross-arms therefrom.

As to claim 15, Thompson discloses the claimed method with the exception of comprising the steps of providing a first support bracket including a first tab extending from the first lateral retainer of the first support bracket, and a second tab extending from the second lateral retainer of the first support bracket; providing a second support bracket including a first tab extending from the first lateral retainer of the second support bracket, and a second tab extending from the second lateral retainer of the second support bracket; using the tabs of the first bracket for leverage to open the slots of the first bracket for insertion of cross-arms of a first fence post in a first position; and using the tabs of the second bracket for leverage to open the slots of the second bracket for insertion of cross-arms of a second fence post in a second position.

As to claim 21, Thompson discloses the claimed support bracket with the exception of comprising first and second tabs connected to the respective first and second lateral retainers adjacent the respective first and second slots, each tab being externally directed at an angle and by an amount sufficient to enable a user to apply

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leverage by hand to increase the oblique angle and thereby enable insertion and removal of the cross-arms into their respective first and second slots.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the support bracket disclosed by Thompson to have the above mentioned elemental features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

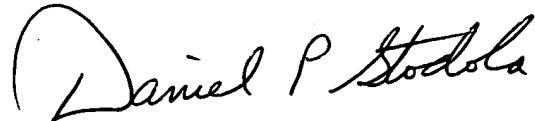
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MPF

10/31/06



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